IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE ACTING CHIEF JUSTICE MR.K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 24TH JULY 2007 / 2ND SRAVANA 1929

WA.No. 1502 of 2006(A)

AGAINST THE JUDGEMENT/ORDER IN WPC.25857/2003 Dated 06/06/2006

APPELLANT:

1. C. AYYAPPAN,
JUNIOR SUPERINTENDENT, OFFICE OF THE
JOINT DIRECTOR OF FISHERIES, KOZHIKODE.

2. XAVIER ROBAN,
U.D. CLERK, OFFICE OF THE JOINT DIRECTOR OF
FISHERIES, CENTRAL ZONE, ERNAKULAM.

BY ADV. SRI.ELVIN PETER P.J.
SRI.S.RAMESH
SMT.POOJA SURENDRAN
SRI.C.X.ANTONY BENEDICT

RESPONDENTS: PETITIONERS & RESPONDENTS IN W.P:

1. D. VIJAYAMMA,
ASSISTANT EXTENSION OFFICER/INSPECTOR OF FISHERIES
NOW ON DEPUTATION IN THE KERALA FISHERMEN WELFARE
FUND BOARD, THIRUVANANTHAPURAM.

2. THE STATE OF KERALA,
REPRESENTED BY THE PRINCIPAL SECRETARY TO
GOVERNMENT, FISHERIES AND PORTS (A) DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM.

3. THE DIRECTOR OF FISHERIES,
THIRUVANANTHAPURAM.

4. T.V. SURESH CHANDRAN,
JUNIOR SUPERINTENDENT, DIRECTORATE OF FISHERIES,
THIRUVANANTHAPURAM.

BY ADV. SRI.N.NANDAKUMARA MENON
GOVERNMENT PLEADER
SRI.N.NANDAKUMARA MENON
SRI.P.K.MANOJKUMAR

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 24/07/2007, ALONG WITH WA NO. 1253 OF 2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.S.RADHAKRISHNAN
&
ANTONY DOMINIC,JJ.

WRIT APPEAL Nos.1502/2006 and 1253/2006

Dated this the 24th day of July, 2007

JUDGMENT

Both these writ appeals are filed against the judgment dated 6.6.2006 in W.P.(C)No.25857/2003. The said writ petition was preferred by the first respondent seeking the following reliefs:

> i) to issue a writ of certiorari or other appropriate writ, order or direction to quash Ext.P16;
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> ii) to issue a writ of mandamus or other appropriate writ, order or direction directing the second respondent to pass consequential orders reverting the petitioner back to the post of Sub Inspector of Fisheries and to allow the petitioner to join duty in the Ministerial wing of the Fisheries Department as L.D.Clerk to enable the petitioner to get all the promotion benefits due to the petitioner with effect from the date of promotion of the immediate Junior in the cadre of U.D.Clerk, Head Clerk, Junior Superintendent, Senior Superintendent and other Higher posts and to grant to the petitioner all the other consequential service benefits within a time frame.
> iii) to issue a writ of mandamus or other appropriate writ, order or direction directing the second respondent to implement Ext.P11 orders and to pass consequential orders;

2. The petitioners had approached this Court earlier by filing Writ

Petition No.18616/2003 which was disposed of by this Court by Ext.P13 judgment dated 16.6.2003 directing the second respondent to consider and pass orders on Ext.P12 in the light of Ext.P11 Government order. Director of Fisheries had passed Ext.P16 order dated 25.7.2003 rejecting the petitioner's request stating that he had approached the Government for review of the Government order, Ext.P11, dated 6.5.2003. The Director was not justified in passing such an order without awaiting for the Government decision. A learned single judge of this Court in W.P.(C)25857/2003 has directed the Director of Fisheries to repost the petitioner in the Ministerial wing taking note of Ext.P11 Government order. We find no illegality in this direction. We have been informed by the counsel for the appellants that they have challenged Ext.P11 order in WP.(C) 32619/2003.

Writ petition lack merits. Dismissed.

K.S.RADHAKRISHNAN NAIR,JUDGE

ANTONY DOMINIC, JUDGE

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